

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT, LICKING
COUNTY

State v. Hodges

2022-Ohio-3535 (Ohio Ct. App. 2022) · No. 2022 CA 00012 · Decided September 30, 2022

SUMMARY

The Fifth District Court of Appeals of Ohio reviewed Jason Hodges's challenge to the denial of his motion to suppress evidence in an OVI case. The court held that the trooper had reasonable suspicion to extend the traffic stop and conduct field sobriety tests based on the totality of the circumstances, including the late-night stop, bloodshot eyes, strong odor of alcohol, and Hodges's admission that he had consumed six beers. The court overruled the assignment of error and affirmed the trial court's judgments.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District, Licking County
WRITING FOR THE COURT	John W. Wise, J.; Earle E. Wise, Jr., P.J.; Craig R. Baldwin, J.
JURISDICTION	Ohio
DECIDED	September 30, 2022
DOCKET	2022 CA 00012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jason Hodges appealed after the Licking County Court of Common Pleas denied his motion to suppress evidence. He had pleaded no contest to OVI.
STANDARD OF REVIEW	Review of a motion to suppress presents a mixed question of law and fact. The appellate court accepts the trial court's factual findings when supported by competent, credible evidence but independently determines whether those facts satisfy the applicable legal standard.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Jason Hodges v. State of Ohio

TOPICS

- suppression of evidence
- fourth amendment
- search and seizure
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

driving under the influence

QUESTIONS PRESENTED

1. Whether the trooper had reasonable, articulable suspicion that Hodges was driving under the influence sufficient to extend the traffic detention and administer field sobriety tests.
2. Whether the trial court properly denied Hodges's motion to suppress evidence.

HOLDINGS

1. An officer may administer field sobriety tests after stopping a vehicle for a minor traffic offense when the request is separately justified by reasonable suspicion, based on articulable facts, that the motorist is intoxicated.
2. The trooper had reasonable suspicion that Hodges was driving while intoxicated and was justified in conducting field sobriety tests.

KEY QUOTATIONS

“A police officer may perform field sobriety tests after the officer stopped the vehicle for a minor traffic offense, when “the request is separately justified by a reasonable suspicion based upon articulable facts that the motorist is intoxicated.”” (§16)

“Viewing the totality of the circumstances through the eyes of a reasonable and prudent police officer, the trooper had a reasonable suspicion that Appellant was driving while intoxicated and was justified in conducting field sobriety tests.” (§18)

FACTUAL BACKGROUND

Trooper Maust stopped Hodges after observing him drive 58 miles per hour in a 45-mile-per-hour zone. During the stop, Maust observed that Hodges had glassy, bloodshot eyes, smelled a strong odor of alcohol on his breath, and admitted that he had consumed six beers earlier in the day. The stop occurred at 11:44 p.m. on a Saturday, after which Maust asked Hodges to exit the vehicle and perform field sobriety tests.

PROCEDURAL HISTORY

Hodges was arrested and charged with OVI under R.C. 4511.19(A)(1)(a) and (d). The trial court held a suppression hearing, denied the motion, and found that the traffic stop was proper and that the officer did not impermissibly extend it by requesting field sobriety tests. Hodges then pleaded no contest and appealed; the Fifth District affirmed.

DISPOSITION

affirmed

CASES CITED

- Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968)
- State v. Andrews, 57 Ohio St.3d 86, 87, 565 N.E.2d 1271 (1991)
- State v. Burnside, 100 Ohio St.3d 152, 2003-Ohio-5372, 797 N.E.2d 71, ¶8
- State v. Brooks, 75 Ohio St.3d 148, 154, 1996-Ohio-134, 661 N.E.2d 1030
- State v. Medcalf, 111 Ohio App.3d 142, 145, 675 N.E.2d 1268 (4th Dist. 1996)
- State v. Williams, 86 Ohio App.3d 37, 41, 619 N.E.2d 1141 (4th Dist. 1993)
- State v. Gunther, 4th Dist. Pickaway No. 04CA25, 2005-Ohio-3492, ¶16
- State v. Fanning, 1 Ohio St.3d 19, 20, 437 N.E.2d 583 (1982)
- State v. Curry, 95 Ohio App.3d 93, 96, 641 N.E.2d 1172 (8th Dist. 1994)
- State v. Robinette, 80 Ohio St.3d 234, 240, 685 N.E.2d 762, 767 (1997)
- Parma Hts. v. Dedejczyk, 8th Dist. Cuyahoga No. 97664, 2012-Ohio-3458, ¶29
- State v. Evans, 127 Ohio App.3d 56, 62-63, 711 N.E.2d 761 (11th Dist. 1998)
- State v. Dye, 11th Dist. Portage No. 2001-P-0140, 2002-Ohio-7158, ¶18